

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

Defendant(s).

3. EFILING - COURTESY COPIES

This matter is set for a Pretrial/Scheduling Conference on _____ at _____ a.m.

- 1 (a) The conference will be held pursuant to F. R. Civ. P. 16, 26(f), and Local Rule 26-
2 1. The parties are reminded of their obligations to disclose information and
3 confer on a discovery plan not later than 21 days prior to the scheduling
4 conference and report to the Court by filing a Joint Rule 26(f) Report not later
5 than 14 days after they confer as required by F. R. Civ. P. 26 and the Local Rules
6 of this Court. Failure to comply or to cooperate in the preparation of the Joint
7 Rule 26(f) Report may lead to the imposition of sanctions.
- 8 (b) Counsel should begin to conduct discovery before the Scheduling Conference.
9 This will expedite settlement discussions and early motion work on the litigation.
- 10 (c) If counsel for any party has his or her office outside Los Angeles County, the
11 Court may in its discretion conduct the scheduling conference by conference
12 telephone call. *Counsel requesting the telephonic conference shall contact the*
13 *court clerk at (213) 894-3759 for approval.* Opposing counsel who are outside of
14 Los Angeles County may also participate by telephone. Counsel requesting the
15 telephonic will be responsible for originating the conference call to the court after
16 assembling all parties on the line. Counsel may be required to remain available
17 on the telephone until the case is called.

18
19 **2. FILING AND CONTENTS OF THE JOINT RULE 26(F) REPORT**

20
21 *The Joint Rule 26(f) Report shall be filed not later than one week before the scheduling*
22 *conference.* Plaintiff is responsible for drafting the report, but it shall be submitted and signed
23 jointly. The Joint Rule 26(f) Report shall include the following:

- 24 (a) A short statement of the claims, counterclaims, and affirmative defenses, not to
25 exceed three (3) pages.
- 26 (b) A brief description of the key legal issues.
- 27 (c) A discussion of the likelihood of motions seeking to add other parties or claims,
28 file amended pleadings, or transfer venue.

- 1 (d) A discussion of discovery and experts pursuant to Rule 26(f).
- 2 (e) A description of any issues which may be resolved by motions for summary
- 3 judgment.
- 4 (f) A brief description of settlement discussions to date, and the settlement selection
- 5 pursuant to Local Rule 16.
- 6 (g) A realistic time estimate required for trial and whether it will be by jury or court.
- 7 (h) Proposed dates for:
- 8 ▶ Motion and Claims cut-off;
- 9 ▶ Discovery cut-off;
- 10 ▶ Motion cut-off;
- 11 ▶ Final Pre-Trial Conference; and
- 12 ▶ Jury or Court trial.
- 13 *Note: All motion cut-off and pre-trial conference dates are on Mondays. Trials*
- 14 *are always set on Tuesdays.*
- 15 (i) Any other matters affecting the status of the case.
- 16 (j) **ERISA cases.** Note that the court will not hear motions for summary judgment
- 17 (See Kearney v. Standard Insurance Co., 175 F.3d 1084 (1999)) but will hear
- 18 motions to determine the standard of review and the scope of the administrative
- 19 record. There will be a court trial (usually confined to oral argument) on the
- 20 administrative record, along with any other expanded testimony.
- 21 (k) **Patent Cases.** Counsel should propose dates for hearings on claim construction
- 22 and Markman hearings.
- 23 (l) **Consent to Magistrate Judge.** The parties may consent to have a
- 24 magistrate judge preside over the entire case, including trial. The parties are free
- 25 to select from amongst all the magistrate judges available for this purpose, not
- 26 just the magistrate judge assigned to this case. (Please consult the court's website
- 27 for the list of Magistrate Judges.)
- 28

1 **3. MOTIONS**

2 In motion matters, counsel should note the timing and service requirements of Local
3 Rules 6 and 7 including:
4

- 5 a. Local Rule 6-1: If mailed, Notice of Motion shall be served not later than
6 twenty-four (24) calendar days before the Motion Day
7 designated in the notice. If served personally, the Notice of
8 Motion shall be served not later than twenty-one (21) days
9 before the Motion Day designated in the notice.
- 10 b. Local Rule 7-3: Pre-Filing Conference of Counsel. Counsel should be
11 familiar with this rule, which requires a pre-filing meeting to
12 discuss the substance and potential resolution of non-
13 discovery motions. Note that counsel for the moving party
14 must notify the court in any notice of motion that the
15 meeting took place.
- 16 c. Local Rule 7: Note the requirements included in L.R. 7-4. The
17 Notice of Motion shall include a concise statement of
18 the relief or court action the movant seeks.
- 19 d. Local Rule 7-9: Opposing papers shall be served upon other parties and filed
20 with the Clerk not later than fourteen (14) days before the
21 hearing date;
22
23
24
25
26
27
28

1 e. Local Rule 7-10: Reply papers, if any, shall be served and filed not later than
2 the seventh calendar date (not excluding Saturdays,
3 Sundays, and holidays) before the motion hearing date; and

4 f. **Courtesy Copies: Counsel shall deliver 2 sets of conformed courtesy**
5 **copies of all motions, oppositions, and replies**
6 **directly to the courtesy box outside the chambers**
7 **door by 12:00 p.m. (noon) of the court day following**
8 **efiling of all documents.**

9 Adherence to the timing requirements of all Local Rules is mandatory for proper chambers
10 preparation of motion matters.

11
12 **4. DISCOVERY**

13 This court refers all discovery motions and disputes to the magistrate judge assigned to
14 the case. Note that the discovery cut-off date means the last day by which depositions must be
15 completed and responses to all previously served written discovery must be provided. (See
16 further discussion in court's Civil Jury and Court Trial Orders.)

17
18 **5. EX PARTE APPLICATIONS**

19 Ex parte applications are considered on the papers and are not usually set for hearing.
20 Ex parte applications are to be reserved solely for extraordinary relief. [This court may impose
21 sanctions for misuse of ex parte applications. See Local Rule 7-19 and In re Intermagnetics
22 America, Inc., 101 B.R. 191 (Bankr. C.D. Cal. 1989).] Counsel are ordered to read and comply
23 with the requirement of Mission Power Engineering Co. v. Cont. Cas. Co., 883 F. Supp. 488
24 (C.D. Cal. 1995) before filing an ex parte application with this court.

25
26 **Counsel must comply with Local Rule 7-19 and 7-19.1. Applications which**
27 **fail to conform with these rules, including a statement of opposing counsel's**
28 **position, will not be considered. The moving party shall serve the opposing party**

1 **by facsimile transmission. Opposing papers must be filed not later than twenty-**
2 **four hours following such facsimile service. Counsel must inform the Courtroom**
3 **Deputy Clerk, Daphne Alex, (213) 894-3759, if the ex parte application will not be**
4 **opposed. Counsel must deliver a conformed courtesy copy of the ex parte**
5 **application and opposing papers to chambers.**
6

7 **6. SETTLEMENT PROCEDURE**

8 A settlement procedure appropriate to the particular case will be used in every civil
9 action. Counsel must be familiar with the procedures and timing mandated by Local Rule 16-
10 14. A Notice of Settlement Selection Procedure, signed by counsel for both sides, shall be filed
11 no later than 10 days after entry of this order. Frank discussion of settlement options should
12 begin now.
13

14 **7. NOTICE TO BE PROVIDED BY COUNSEL**

15 Plaintiff's counsel or, if plaintiff is appearing *pro se*, defendant's counsel, shall provide
16 this Order to any parties who first appear after the date of this Order and to parties who are
17 known to exist but have not yet entered appearances.
18

19 **8. COURTESY COPIES**

20 **Counsel should provide 2 sets of courtesy copies of all motions,**
21 **oppositions, and replies in motion matters directly to the courtesy box outside**
22 **the chambers door by 12:00p.m. (noon) of the court day following the efileing of**
23 **any document.**
24
25
26
27
28

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

IT IS SO ORDERED.

AUDREY B. COLLINS
United States District Judge

Los Angeles Daily Journal	West Publishing Company	Metropolitan News
915 East First Street	50 West Kellogg Boulevard	210 South Spring Street
Los Angeles, CA 90012	St. Paul, MN 55164-9979	Los Angeles, CA 90012